



April 28, 2003

THE  
ENVIRONMENTAL  
COUNCIL OF  
THE STATES

The Honorable Ike Skelton  
Ranking Member of the House Armed Services Committee  
U.S. House of Representatives  
2120 Rayburn House Office Building  
Washington D.C. 20515

444 North Capitol Street, N.W.  
Suite 445  
Washington, D.C.  
20001

Dear Congressman Skelton:

Please find enclosed copies of three resolutions the Environmental Council of the States (ECOS), the national association of state environmental commissioners, has passed on Department of Defense (DOD) issues. These three resolutions are directly relevant to the proposals the House Armed Services Committee is discussing and marking up on Thursday, May 1, 2003.

Tel: (202) 624-3660  
Fax: (202) 624-3666  
email: [ecos@ssso.org](mailto:ecos@ssso.org)  
webpage: [www.ecos.org](http://www.ecos.org)

The four resolutions are entitled:

- ☐ Concerning the Readiness and Range Preservation initiative of the Department of defense;
- ☐ Munitions Response Committee; and
- ☐ Department of Defense Range Rule: Closed, transferred and transferring Ranges Containing Military Munitions.

The RRPI resolution which speaks against relaxing environmental standards for DOD and the Munitions Response Committee which calls for a collaborative process between states and the federal government to address sites containing unexploded ordnance, discarded munitions and so forth, were both passed at ECOS' annual spring meeting earlier this month. The DOD range rule resolution was passed in August 2000.

Christopher Jones  
Director, Ohio Environmental  
Protection Agency  
PRESIDENT

Stephanie Timmermeyer  
Cabinet Secretary, West Virginia  
Department of Environmental Protection  
VICE PRESIDENT

Robert Huston  
Chairman, Texas Commission  
on Environmental Quality  
SECRETARY-TREASURER

Ronald F. Hammerschmidt  
Director, Division of Environment  
Kansas Department of Health  
and Environment  
PAST PRESIDENT

ECOS is also very concerned about the impact of proposals to drastically cut environmental funding in DOD's base realignment and closure programs, that will be discussed on Thursday.

For your information I have also enclosed in this packet some additional materials on ECOS. If you have any questions on the resolutions, please do not hesitate to have your staff contact me at 202-624-3660.

Sincerely,

R. Steven Brown  
Executive Director

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Executive Director

Enclosures



Resolution Number 03-5  
Approved April 10, 2003  
Washington, D.C.

As Certified by  
R. Steven Brown  
Executive Director

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ENVIRONMENTAL  
COUNCIL OF  
THE STATES

**CONCERNING THE READINESS AND RANGE PRESERVATION  
INITIATIVE  
OF THE DEPARTMENT OF DEFENSE**

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WHEREAS, in 2002, the Department of Defense (DoD) submitted legislation to Congress with eight provisions relating to conservation and environmental protection, collectively known as the Readiness and Range Preservation Initiative (RRPI); and

WHEREAS, Congress enacted three provisions, of which two apply to land transfers for conservation purposes and one provides a temporary exemption from the Migratory Bird Treaty Act for the unintentional taking of migratory birds as a result of military readiness activities; and

WHEREAS, the remaining five provisions being resubmitted in 2003 would provide additional exemptions or exceptions for military readiness activities under the Clean Air Act, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Endangered Species Act, and the Marine Mammal Protection Act; and

WHEREAS, the Environmental Council of the States (ECOS) understands the intent of this legislation to be to eliminate unnecessary or unacceptable obstacles to the DoD's ability to carry out its mission, in particular to conduct operations and training so as to be prepared for combat to do so by means of narrowly applicable exemptions or exceptions; and, at least with respect to endangered or threatened species and their habitat, to coordinate closely with the States in the development of integrated natural resources management plans that would substitute for the designation of critical habitat; and

WHEREAS, the DoD has cited certain examples of situations in which DoD believes that the application of the statutes referenced above interferes unacceptably with military readiness activities; but the DoD has not clearly identified specific problems it has experienced with the application of each of the referenced statutes particularly RCRA, CERCLA and the Clean Air Act, so as to justify the proposed package of exemptions or exceptions; and

WHEREAS, review of the proposed legislative language indicates that the exemptions and exceptions are in fact overly broad and could result in unintended and undesirable outcomes, in particular failure to account for the impacts from military readiness activities on air quality, water quality and public health, or to make reasonable efforts to prevent such impacts; and

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WHEREAS, the concept of collaboratively developed integrated environmental protection plans and military readiness activities deserves support, but needs objective and enforceable criteria to ensure that these plans will avoid and minimize adverse environmental impacts to the maximum extent possible, and that where possible management measures will be designed so as to benefit the impacted resources in the long term; and

WHEREAS, ECOS is concerned that the RRPI may result in inappropriate infringement on the States' ability to protect the health of their citizens and their environment.

NOW, THEREFORE, BE IT RESOLVED THAT:

The ECOS membership commends the DoD on its stated intent to balance military readiness with environmental protection objectives, and to pursue collaborative and integrated approaches to protect the environment; and

The ECOS membership supports efforts, and continues to work with the DoD and other agencies, to facilitate military readiness activities; and in particular to develop integrated environmental protection programs; and

The ECOS membership cannot support the RRPI legislation until the concerns stated above are addressed. Specifically ECOS calls on the DoD and Congress to reexamine the initiative; i.e., to define with specificity the problems to be solved, to tailor the solutions narrowly to such problems with due consideration of administrative remedies, to respect the authorities and needs of the States, to provide for adequate accountability; and

Furthermore ECOS encourages DoD to continue to work closely with the environmental regulatory agencies in the States to harmonize military readiness activities with environmental protection so that public health and the environment are not compromised; and

The President of the ECOS shall transmit copies of this resolution to members of Congress, federal, state and local government agencies, ECOS members and interested parties.